

KENTUCKY BOARD OF DENTISTRY

LAW ENFORCEMENT COMMITTEE MEETING AUGUST 9, 2006

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. Motion was made by Dr. Dew to go into closed session pursuant to KRS 61.810(1) (c) and (j) and seconded by Dr. Babcock. Both members were in favor. Motion was made by Dr. Dew to come out of closed session and seconded by Dr. Babcock. Both members were in favor. The committee meeting adjourned at 2:15 p.m.

LAW ENFORCEMENT COMMITTEE MEETING September 6, 2006

CALL TO ORDER: The Law Enforcement Committee meeting was called to order at 9:00 a.m. Motion was made by Dr. Babcock to go into closed session pursuant to KRS 61.810(1) (c) and (j) and seconded by Dr. Dew. Both members were in favor. Motion was made by Dr. Dew to come out of closed session and seconded by Dr. Babcock. Both members were in favor. The committee meeting adjourned at 3:40 p.m.

BOARD MEETING September 9, 2006

CALL TO ORDER: President David Narramore, D.M.D. called the meeting to order at 9:00 a.m. Present Board members were William Dew, D.M.D., Vice President; Jim Allen, D.M.D.; Chris Babcock, D.M.D., M.D.; Dianne Embry, R.D.H.; and Laura Justice, D.M.D. Staff present was Eric Clark, Executive Director, Diana Bailey, Executive Secretary, and Mark Brengelman, Board Attorney. Absent Board members were Doug Ferguson, Julie Gaskill, DDS., and Hank Sleet, D.M.D., M.D., Secretary-Treasurer.

Visitors: Brian Fingerson, R.Ph., Well-Being Committee; and Lorrie Wilson, R.D.H. – Kentucky Dental Hygienists' Association.

Approval of Minutes

Dr. Justice motioned that the minutes be accepted. Dr. Babcock seconded the motion. The motion carries by consent.

Director's Report

Dr. Justice motioned that the 2005-2006 Annual Report be accepted. Dr. Allen seconded the motion. All were in favor.

Dr. Justice motioned to accept the draft of the 2006 Kentucky Board of Dentistry Fall Newsletter. Dr. Dew seconded the motion. All were in favor.

Dr. Justice motioned to create a Finance Oversight Committee. Dr. Allen seconded the motion. All were in favor. Dr. Narramore appointed the following Board members and staff to this committee: Dr. Narramore; Dr. Allen; Dr. Justice; and Mr. Clark.

Dr. Justice motioned that Mr. Clark implement a confidentiality agreement for all Board staff to sign regarding the confidentiality of Board information and also implement procedures for disseminating the public records of the Board. Dr. Babcock seconded the motion. All were in favor.

Credentials

The committee motioned that a dental hygiene license by credentials be issued to April Elliott, R.D.H.; Angela Payne,

R.D.H., Bonnie Winski, R.D.H. and Christy Moore, R.D.H. Dr. Babcock seconded the motion. All were in favor.

The committee motioned that a dental hygiene license by credentials be issued to Heather Giannotta, R.D.H. pending receipt of taking an approved HIV/AIDS course and taking Kentucky Jurisprudence Exam. Dr. Babcock seconded the motion. All were in favor.

The committee motioned that a dental license by credentials be issued to Neil Stringer, D.D.S. Dr. Babcock seconded the motion. All were in favor.

Law Enforcement Committee: Dr. Babcock and Dr. Dew recused and did not vote on any of the following cases.

The Law Enforcement Committee motioned that the closed case report be accepted. Ms. Embry seconded the motion. All were in favor.

06-97 Dr. Babcock motioned to open an investigation on information provided from the Well-Being Committee. Dr. Allen seconded the motion. All were in favor.

Dr. Justice motioned to reconvene or otherwise call a special meeting of the Board on Thursday, September 14, 2006, at 7:00 p.m., at the Board, to take appropriate action on case number 06-97 if needed. Ms. Embry seconded the motion. All were in favor. The Board directed Mr. Clark to notify the Board if this special meeting was to be cancelled.

06-11 and 06-30 The Law Enforcement Committee motioned for the original Private Admonishment to be signed without being amended and that a Formal Complaint and Notice of Administrative Hearing be issued alleging violations of 201 KAR 8:006 if the Private Admonishment is not signed and received by the Board without being amended. Dr. Justice seconded the motion. All were in favor.

06-39 the Law Enforcement Committee motioned to issue a Private Admonishment. Dr. Justice seconded the motion. All were in favor.

06-78 the Law Enforcement Committee motioned that a Formal Complaint and Notice of Administrative Hearing be issued alleging violations of KRS 313.130(3) & (4). Dr. Justice seconded the motion. All were in favor. Settlement Authority was given to Board counsel.

05-95 and 06-47 the Law Enforcement Committee motioned to accept the Settlement Agreement. Dr. Justice seconded the motion. All were in favor.

06-35 KBD v. Tracy Povill, Agency Case No. 06-36, Administrative Action No. 06-KBD-0225. Dr. Narramore motioned to go into closed session pursuant to KRS 61.810(1)(c) and (j) to discuss pending litigation and an adjudication on an individual licensee. Ms. Embry seconded the motion. All were in favor. Mark Brengelman left the room. Ms. Embry motioned to come out of closed session. Dr. Justice seconded the motion. All were in favor. The committee motioned to accept the Recommended Order of Default as the Board's Final Order as follows: The Respondent's license to practice dental hygiene in the Commonwealth of Kentucky is indefinitely suspended, with conditions of a stay of suspension. Ms. Embry seconded the motion. All were in favor.

Old Business

Dr. Lee Schambach - Dr. Schambach's written request for reconsideration of licensure by credentials was reviewed by the Board. The committee made a motion that a license by credentials be granted to Dr. Schambach based on new information provided. Ms. Embry seconded the motion. The motion failed for lack of a unanimous vote of the Board.

Dr. Michael Misko – Dr. Misko's written request for reconsideration of licensure by credentials was reviewed by the Board. The Board did not take any action. The Board requests that Dr. Misko come to the November 11, 2006, Board meeting

to discuss his plans to practice dentistry in Kentucky if he wished for his application to be completed.

Dr. Preston Lake - Dr. Lake's written request for exemption from retaking the Southern Regional Testing Agency exam before going back to active practice was reviewed by the Board. Before Dr. Lake will be able to practice dentistry, the Board requires Dr. Lake to either: (a) pass a Board approved regional exam; or (b) complete an AGD or GPR program.

New Business

Marie Marksberry, R.D.H. - Ms. Marksberry's letter requesting the requirements for her to go back into the active practice of dental hygiene was reviewed by the Board. Dr. Justice motioned that Ms. Marksberry be required to pass a regional exam before going back into the active practice of dental hygiene. Dr. Babcock seconded the motion. All were in favor.

Dr. Daniel Watkins – Dr. Watkins' written request for approval of his reapplication for a DEA license was reviewed by the Board. Dr. Babcock motioned that the Board grant permission for Dr. Watkins to reapply for a DEA license once he has provided all the proper documentation required from his Settlement Agreement to the Board. Dr. Allen seconded the motion. All were in favor.

Dr. Justice motioned that the Professional Learning Services re-entry program not be approved for Kentucky. Dr. Babcock seconded the motion. All were in favor.

Dr. Justice read Resolution III in its entirety, which supports the prior appointment of Dianne Embry, R.D.H. as the registered dental hygiene member of the Kentucky Board of Dentistry. Dr. Justice motioned to accept this resolution. Dr. Babcock seconded the motion. All were in favor as indicated by a roll call vote of each individual Board member.

Dr. Justice motioned to respond to the Kentucky Dental Hygienists' Association's Action Alert concerning the Governor's appointment of Dianne Embry, R.D.H. by sending a letter from the Kentucky Board of Dentistry to all registered dental hygienists in Kentucky. Dr. Dew seconded the motion. All were in favor.

Dr. Babcock motioned to go into closed session pursuant to (KRS 61.810(1) (f)) to discuss the appointment, discipline, or dismissal of an individual employee. Dr. Allen seconded the motion. All were in favor. Ms. Embry motioned to come out of closed session. Dr. Allen seconded the motion. All were in favor. Dr. Babcock motioned that the Board delegate the authority to hire any employee and fire any nonmerit employee to Eric Clark. Dr. Allen seconded the motion. All were in favor.

Dr. Babcock motioned to hire a private investigator to investigate the anonymous letters alleging Board misconduct in the appointment of Eric T. Clark as Executive Director and Dr. Narramore as a member and President of the Kentucky Board of Dentistry. Dr. Dew seconded the motion. All were in favor.

Ms. Embry motioned that the meeting be adjourned. Dr. Allen seconded the motion. All were in favor.

Next Board meeting is Saturday, November 11, 2006 at 9:00 a.m. at the Board office.